

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M No.55792 of 2018 (O&M)**

Date of decision: 4<sup>th</sup> July, 2019

Paramjit Singh

... Petitioner

Versus

State of Punjab & others

... Respondents

**CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present:     Petitioner in person along with his counsel  
                  Mr. Rahul Bhargava, Advocate.

                  Mr. H.S. Grewal, Addl. Advocate General, Punjab  
                  for respondent No.1/State.

                  None for respondent No.2.

                  Respondent No.3 in person along with her counsel  
                  Ms. Arti Kaur, Advocate.

**FATEH DEEP SINGH, J.**

By this petition preferred under Section 482 Cr.P.C. seeking quashment of FIR No.129 dated 22.10.2018 under Sections 363, 366A and 376 IPC registered with Police Station Maqboolpura, District Amritsar (Annexure P1) has put a societal challenge to the plight and saga of run-away couples. How on account of our society still predominantly anarchist where male chauvinism coupled with feudalism are largely at play and thus, are responsible for governing even the marital preferences of grown-up children. Precisely, this is the sad story of petitioner-Paramjit Singh and his wife respondent No.3-Rajwinder Kaur.

In the light of contentions and facts brought to the notice of this Court,

Rajwinder Kaur respondent No.3, who happens to be granddaughter of respondent No.2-Bhagwant Kaur, was in a relationship with the petitioner, which was strongly opposed by the family of the girl and subsequently, on account of an incident FIR (Annexure P1) was registered by the maternal grandmother of the girl. Meanwhile, by another quirk of fate the couple is alleged to have entered into wedlock on 21.10.2018 regarding which as a proof the marriage photographs (Annexure P3) have been placed on the record and thereafter, the petitioner and respondent No.3 moved an application to the Senior Superintendent of Police, Tarn Taran for protection to their lives and personal liberty which is Annexure P4. In pursuance of the threat perception, the couple jointly filed petition bearing *CRM-M-46941 of 2018* titled as '*Rajwinder Kaur and another Vs. State of Punjab and others*' which was listed before this Court, upon which this Court passed order dated 23.10.2018 (Annexure P5). It is in the background of this, the couple has sought quashment of the FIR. Respondent Rajwinder Kaur and so the petitioner Paramjit Singh, to facilitate this quashment petition, have put in appearance and made statements on oath before this Court and have filed duly sworn detailed affidavits (Ex.C2 and Ex.C3 respectively) to the effect that they have voluntarily entered into wedlock and that the girl is a major and both of them are residing together.

Upon hearing at length Mr. Rahul Bhargava, Advocate representing the petitioner; Mr. H.S. Grewal, Addl. Advocate General,

Punjab on behalf of respondent No.1/State; Ms. Arti Kaur, Advocate for respondent No.3 and on perusal of the records. The State has fairly conceded the factual situation and has not opposed the grant of relief, keeping in view the humanitarian angle, though there is no representation on behalf of respondent No.2.

Admittedly, there has been love affair between the petitioner and respondent No.3. While they were in a relationship and before registration of the FIR by respondent No.2 against the petitioner under Sections 363, 366-A, 376 IPC, they entered into a wedlock and the girl is happily living in her matrimonial home, are matters which have great bearing on the case of the two sides. Had it been a pure simplicitor case as detailed in the FIR (Annexure P1) and not a case as the one arising out of matrimony ties, this Court would have been too reluctant to interfere. The Courts are tools of social justice not only to dispense justice but also to ensure that such an invocation by a disgruntled relative who certainly have an axe to grind has its serious repercussions on the matrimonial life of the couple. This Court in the exercise of its powers under Section 482 Cr.P.C. taking a pragmatic approach to meet the ends of justice, is to further ensure that this harassment is put to an end and thus this prosecution of the petitioner does not become a convenient tool in the hands of respondent No.2 so as to spoil the very prospects of this matrimony. Thus, this Court deems its duty to show indulgence and retrieve this relation, which will otherwise go to the brink of disaster. The

Hon’ble Delhi High Court in Full Bench view reported in “**2012 (4) RCR Civil 821, Court on its own motion (Lajja Devi) Vs. State**”, justifies invoking these inherent powers. Though this Court does not encourage such cases of couples which are cause for social turmoil but having regard to the facts of the case, even this Court feels that the case of the petitioner stands qualified for the eventualities laid down by the Hon’ble Apex Court in the case of “**State of Haryana and others Vs.Ch. Bhajan Lal and others, 1992 AIR (SC) 604**”. More so, this prosecution would not lead to any tangible results and would only be a futile exercise. Thus, exercising these powers the instant petition stands allowed thereby quashing FIR No.129 dated 22.10.2018 under Sections 363, 366A and 376 IPC registered with Police Station Maqboolpura, District Amritsar (Annexure P1) along with all consequential proceedings arising out of the same.

**(FATEH DEEP SINGH)**  
**JUDGE**

**July 4, 2019**  
*rps*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |